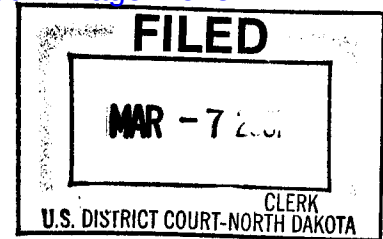


UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION



Dakota West Credit Union,

Plaintiff,

v.

CUMIS Insurance Society, Inc.,

Defendant.

Civil File No.

1:07-CV-16

**NOTICE OF REMOVAL TO**  
**UNITED STATES DISTRICT**  
**COURT, DISTRICT OF NORTH**  
**DAKOTA**

Defendant CUMIS Insurance Society, Inc., ("CUMIS"), through its undersigned attorneys, hereby removes and gives notice of its removal of this action to the United States District Court for the District of North Dakota, Southwestern Division, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. As grounds for removal, CUMIS states as follows:

1. On February 9, 2007, Plaintiff commenced this civil action against CUMIS in the District Court for the County of Burleigh, North Dakota, by service of process on the Department of Insurance for the State of North Dakota. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process and pleadings that have been served on CUMIS to date are attached hereto as the following exhibits:

Exhibit A: Summons

Exhibit B: Complaint

2. The service of process was CUMIS' first and only receipt of any pleading in this matter. No activity has occurred in the District Court for the

County of Burleigh, North Dakota as of the date of the filing of this Notice of Removal.

3. The above-entitled case is a civil action of which the United States District Court for the District of North Dakota has original jurisdiction under the provisions of 28 U.S.C. § 1332, and is an action of a civil nature between citizens of different states where the amount in controversy is alleged to exceed \$75,000.00, exclusive of costs, fees and interest.

4. In this civil action, Plaintiff contends that it is a citizen of Watford City, North Dakota. Plaintiff seeks coverage under an insurance policy issued by CUMIS for the full amount of a loss that Plaintiff allegedly suffered, in the amount of \$950,023.73.

5. At the time of this action and at all times since, CUMIS is and was a corporation organized and existing under the laws of the State of Wisconsin with its principal office and place of business in Madison, Wisconsin, and was not a citizen of the State of North Dakota.

6. This action is removable to the United States District Court for the District of North Dakota pursuant to 28 U.S.C. § 1441, which provides that any civil action brought in a state court for which the district courts of the United States have original jurisdiction may be removed by the defendant to the district court for the United States for the district and division embracing the place where the action is pending.

7. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed within thirty (30) days of first receipt by CUMIS of the Summons and Complaint setting forth Plaintiff's claims for relief.

8. A copy of this Notice of Removal is being filed with the Court Administrator for the District Court for the County of Burleigh, North Dakota, together with a Notice of Filing of Notice of Removal.

WHEREFORE, defendant CUMIS Insurance Society, Inc. gives notice and respectfully removes the above-entitled action from the District Court for the County of Burleigh, North Dakota, to the United States District Court for the District of North Dakota, Southwestern Division.

Dated: March 7<sup>th</sup>, 2007.

By: \_\_\_\_\_

M. Daniel Vogel (#03198)

Robert B. Stock (#05919)

VOGEL LAW FIRM

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Russell S. Ponessa - Pending Admission *Pro Hac Vice*

Jennifer C. Kalvestran - Pending Admission *Pro Hac Vice*

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Minneapolis, MN 55402

Telephone: 612-333-3434

Fax: 612-334-8888

ATTORNEYS FOR DEFENDANT CUMIS  
INSURANCE SOCIETY, INC.

**RE: Dakota West Credit Union v. CUMIS Insurance Society, Inc.**  
**CIVIL NO.:**

STATE OF NORTH DAKOTA     )  
  ) SS.     ***AFFIDAVIT OF SERVICE BY MAIL***  
COUNTY OF CASS                )

Debra J. Haarsager, being first duly sworn, does depose and state that she is of legal age and not a party to the above-entitled matter.


On March 7, 2007, Affiant deposited in the United States Post Office at Fargo, North Dakota, a true and correct copy of the following document:

**NOTICE OF REMOVAL**

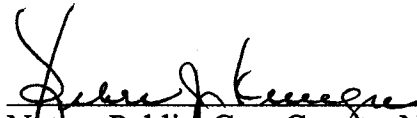
A copy of the foregoing was securely enclosed in an envelope with postage duly prepaid and addressed as follows:

Malcolm H. Brown  
209 East Broadway  
P.O. Box 2692  
Bismarck, ND 58502-2692

To the best of Affiant's knowledge, the address above given was the actual post office address of the party intended to be so served. The above document was duly mailed in accordance with the provisions of the Rules of Civil Procedure.

  
Debra J. Haarsager

Subscribed and sworn to before me this 7<sup>th</sup> day of March, 2007.

  
Notary Public, Cass County, ND  
My Commission Expires:

(SEAL)

